

Assembly Bill No. 1023

Passed the Assembly September 11, 2015

Chief Clerk of the Assembly

Passed the Senate September 10, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 1701.9 to the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

AB 1023, Rendon. Public Utilities Commission: proceedings: ex parte communications.

The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities and authorizes the commission to establish rules for all public utilities, subject to control by the Legislature, and to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. The Public Utilities Act requires the commission to determine whether a proceeding requires a hearing and, if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. For these purposes, quasi-legislative cases are cases that establish policy rulemakings and investigations which may establish rules affecting an entire industry, adjudication cases are enforcement cases and complaints except those challenging the reasonableness of any rates or charges, and ratesetting cases are cases in which rates are established for a specific company, including general rate cases, performance-based ratemaking, and other ratesetting mechanisms. Existing law requires the commission, upon initiating a hearing, to assign one or more commissioners to oversee the case and an administrative law judge, where appropriate. The act regulates communications in hearings before the commission and defines “ex parte communication” to mean any oral or written communication between a decisionmaker and a person with an interest in a matter before the commission concerning substantive, but not procedural, issues that does not occur in a public hearing, workshop, or other public proceeding, or on the official record of the proceeding on the matter. Existing law requires the commission, by regulation, to adopt and publish a definition of the terms “decisionmaker” and “persons” for those purposes, along with any requirements for written reporting of ex

parte communications and appropriate sanctions for noncompliance with any rule proscribing ex parte communications.

This bill would require the commission to establish and maintain a weekly communications log summarizing all oral and written ex parte communications, as specified, and to make each log available to the public on the commission's Internet Web site.

The people of the State of California do enact as follows:

SECTION 1. Section 1701.9 is added to the Public Utilities Code, to read:

1701.9. The commission shall establish and maintain a weekly communications log summarizing all oral and written ex parte communications, as defined in Section 1701.1, made in that week. The communications log shall include a summary of all oral and written communications that meet the definition of an ex parte communication that occur between a person with an interest in a matter before the commission and a commissioner, all policy advisors to a commissioner, the executive director of the commission, a deputy executive director, a director of a division that is not acting as a party in a related proceeding, or an administrative law judge. Each communication log shall include the date of each communication, the persons involved in the communication, and, to the extent known, any proceedings that were the subject of each communication. Each log shall be made available to the public on the commission's Internet Web site.

Approved _____, 2015

Governor